

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD TURBERVILLE,	)	
	)	Civil Action No. 07 - 764
Petitioner,	)	
	)	Chief Judge Donetta W. Ambrose /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
SUPERINTENDED TENNIS and	)	
THE ATTORNEY GENERAL OF THE	)	
STATE OF PENNSYLVANIA	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The above captioned Petition was received by the Clerk of Court on June 6, 2007, was assigned to Chief Judge Donetta W. Ambrose and referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 3), filed on February 19, 2009, recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. Service was made on the Petitioner at S.C.I. Rockview, Box A, Bellefonte, PA 16823. The Petitioner was informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, he had ten (10) days to file any objections. Petitioner filed a timely Motion for Extension of Time to File Objections (Doc. No. 4) on March 6, 2009. The Court granted the motion and established a deadline of April 6, 2009, for objections to be filed. Petitioner filed a Notice of Change of Address (Doc. No. 5) on April 9, 2009, but did not file any objections. No other


documents have been filed in this case. After review of the pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 29<sup>th</sup> day of June, 2009;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DISMISSED** as untimely.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 3) of Magistrate Judge Lenihan, dated February 19, 2009, is adopted as the opinion of the court.

  
Chief Judge Donetta W. Ambrose  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

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